

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LARRY LEE HENDERSON,

Defendant.

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Case No. S2-4:09CR0658 CAS/TCM

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

In accordance with the hearing on March 5, 2010 and the record made therein,

IT IS HEREBY RECOMMENDED that Defendant's Motion to Dismiss based on Rule 12.4(2) [Doc. 37] should be **DENIED**.

The parties are advised that they have fourteen (14) days in which to file written objections to this Recommendation incorporated herein pursuant to 28 U.S.C. § 636(b)(1), unless an extension of time for good cause is obtained, and that failure to file timely objections may result in waiver of the right to appeal questions of fact.

/s/ Thomas C. Mummert, III
THOMAS C. MUMMERT, III
UNITED STATES MAGISTRATE JUDGE

Dated this 8th day of March, 2010.